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CLERK, U.S. DISTRICT COURT
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BY _____

1 Nicholas J. Bontrager, Esq. (SBN 252114)
2 Krohn & Moss, Ltd.
3 10474 Santa Monica Blvd., Suite 401
4 Los Angeles, CA 90025
5 T: (323) 988-2400; F: (866) 802-0021
6 nbontrager@consumerlawcenter.com
7 Attorney for Plaintiff,
8 CHRISTOPHER RUSH

6 UNITED STATES DISTRICT COURT,
7 CENTRAL DISTRICT OF CALIFORNIA,
8 EASTERN DIVISION

8 CHRISTOPHER RUSH,

9 Plaintiff,

10 v.

11 IC SYSTEMS, INC.,

12 Defendant.

CV Case No. 10-02016

JFW

(FFM)

) COMPLAINT AND DEMAND FOR
) JURY TRIAL

) (Unlawful Debt Collection Practices)

14 VERIFIED COMPLAINT

15 CHRISTOPHER RUSH (Plaintiff), by his attorneys, KROHN & MOSS, LTD., alleges
16 the following against IC SYSTEMS, INC. (Defendant):

17 INTRODUCTION

- 18 1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15
19 U.S.C. 1692 et seq. (FDCPA).
- 20 2. Count II of the Plaintiff's Complaint is based on Rosenthal Fair Debt Collection
21 Practices Act, Cal. Civ. Code §1788 et seq. (RFDCPA).
- 22 3. Defendant acted through its agents, employees, officers, members, directors, heirs,
23 successors, assigns, principals, trustees, sureties, subrogees, representatives, insurers,
24 and attorneys.
- 25

JURISDICTION AND VENUE

4. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.

5. Defendant conducts business in the state of California, and therefore, personal jurisdiction is established.

6. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

7. Declaratory relief is available pursuant to *28 U.S.C. 2201 and 2202*.

PARTIES

8. Plaintiff is a natural person residing in Perris, Riverside County, California.

9. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)* and Defendant is attempting to collect a debt by communicating with Plaintiff as that term is defined by *15 U.S.C. 1692a(5)* and *Cal. Civ. Code § 1788.2(h)*.

10. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)* and *Cal. Civ. Code § 1788.2(c)*, and sought to collect a consumer debt by contacting Plaintiff.

11. Defendant is a national company with an office located in St. Paul, Minnesota.

12. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

13. Defendant constantly and continuously placed collection calls to Plaintiff seeking and demanding payment for an alleged debt owed by Lanosha Caesar.

14. Each time Defendant places collection calls to Plaintiff, Plaintiff tells Defendant that Lanosha Caesar does not live there.

1 15. Each time Defendant places collection calls to Plaintiff, Plaintiff tells Defendant that he
2 does not know Lanosha Caesar.

3 16. Each time Defendant places collection calls to Plaintiff, Plaintiff tells Defendant not to
4 call him looking for Lanosha Caesar.

5 17. Defendant continues to place collection calls to Plaintiff.

6 18. Defendant placed collection calls to Plaintiff from 651-204-1317.

7 **COUNT I**

8 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

9 19. Defendant violated the FDCPA based on the following:

10 a. Defendant violated §1692d of the FDCPA by engaging in conduct of which the
11 natural result is the abuse and harassment of the Plaintiff.

12 b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring
13 repeatedly and/or continuously with the intent to annoy, abuse, and harass
14 Plaintiff.

15 c. Defendant violated §1692e of the FDCPA by using false, deceptive and/or
16 misleading representation or means in connection with the collection of a debt.

17 d. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an
18 attempt to collect a debt by communicating with Plaintiff in an attempt to collect
19 upon an alleged debt.

20 WHEREFORE, Plaintiff, CHRISTOPHER RUSH, respectfully requests judgment be
21 entered against Defendant, IC SYSTEMS, INC., for the following:

22 20. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection
23 Practices Act,

24 21. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, 15
25 U.S.C. 1692k,

22. Actual damages,

1 23. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,
2 *15 U.S.C. 1692k*

3 24. Any other relief that this Honorable Court deems appropriate.

4 **COUNT II**
5 **DEFENDANT VIOLATED THE ROSENTHAL FAIR DEBT COLLECTION**
6 **PRACTICES ACT**

7 25. Plaintiff repeats and re-alleges all of the allegations in Count I of Plaintiff's Complaint
8 as the allegations in Count II of Plaintiff's Complaint.

9 26. Defendant violated the RFDCPA based on the following:

- 10 a. Defendant violated §1788.11(d) of the RFDCPA by causing Plaintiff's telephone
11 to ring repeatedly and continuously so as to annoy Plaintiff.
12 b. Defendant violated §1788.11(e) of the RFDCPA by placing collection calls to
13 Plaintiff with such frequency that was unreasonable and constituted harassment.
14 c. Defendant violated the §1788.17 of the RFDCPA by continuously failing to
15 comply with the statutory regulations contained within the FDCPA, *15 U.S.C. §*
16 *1692 et seq.*

17 WHEREFORE, Plaintiff, CHRISTOPHER RUSH, respectfully request judgment be
18 entered against Defendant, IC SYSTEMS, INC., for the following:

19 27. Declaratory judgment that Defendant's conduct violated the Rosenthal Fair Debt
20 Collection Practices Act,

21 28. Statutory damages of \$1000.00 pursuant to the Rosenthal Fair Debt Collection Practices
22 Act, *Cal. Civ. Code §1788.30(b)*,

23 29. Actual damages,

24 30. Costs and reasonable attorneys' fees pursuant to the Rosenthal Fair Debt Collection
25 Practices Act, *Cal. Civ Code § 1788.30(c)*, and

31. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, CHRISTOPHER RUSH, demands a jury trial in
this cause of action.

DATED: March 11, 2010

RESPECTFULLY SUBMITTED,

KROHN & MOSS, LTD.

By: _____

Nicholas J. Bontrager
Attorney for Plaintiff

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF CALIFORNIA

Plaintiff, CHRISTOPHER RUSH, state as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant, cause unnecessary delay to any Defendant, or create a needless increase in the cost of litigation to any Defendant, named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate. I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, CHRISTOPHER RUSH, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

DATE: 7-26-10


CHRISTOPHER RUSH